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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/643,758	08/23/2000	Hiroaki Kawamichi	NIT-223	1003

24956 7590 05/20/2004

MATTINGLY, STANGER & MALUR, P.C.
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EXAMINER

CHANG, JUNGWON

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 05/20/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/643,758

Applicant(s)

KAWAMICHI ET AL.

Examiner

Jungwon Chang

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-13 is/are rejected.
7) ☒ Claim(s) 14 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-14 are presented for examination.
2. The corrected drawings in response to the objection of drawings in the Office action dated 9/29/03, paper #5, has been received on March 1, 2004.
3. The objection of Abstract and rejection under 35 U.S.C. 112, second paragraph in the Office action date 9/29/03, paper #5, are withdrawn based on the Applicant's Amendment.
4. Claims 4 and 8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
5. Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-8 and 12-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. The following terms lack proper antecedent basis:

i. the contents – claim 1, line 20; claim 5, lines 15;

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 2, 5, 6 and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collins et al. (US 6,553,418), hereinafter Collins, in view of Sandelman et al. (US 6,717,513), hereinafter Sandelman.

10. As to claim 5, Collins discloses the invention substantially as claimed, including equipment (i.e., water meters, gas meters, power monitors, HVAC equipment, col. 4, lines 6-12; col. 5, lines 13-18) used in distributed system (col. 4, lines 2-21) that consists of a plurality of equipment (i.e., water meters, gas meters, power monitors, HVAC equipment, col. 4, lines 6-12; col. 5, lines 13-18) being interconnected over a transmission medium (i.e., network, such as Internet, Ethernet; 12, fig. 1; col. 4, lines

22-30) and including one or more arithmetic units (i.e., CPU; col. 4, lines 42-45) and that notifies predetermined information (col. 1, lines 10-16; col. 8, lines 3-9), comprising:

a means for acquiring environment information indicating an environment in which the plurality of equipment are installed, by a sensor or other equipment if necessary (i.e., energy usage information for each of the plurality of equipment or alarm information when the energy consumption data is reaching an upper threshold value; col. 6, lines 17-22 and 59-65; col. 8, lines 14-20) and

a means for notifying information to be notified a person of the information according to the acquired environment information (i.e., report the energy consumption information to the consumer by sending a bill; col. 1, lines 10-16; col. 8, lines 3-9) and the contents of the information (i.e., actual cost or amount of energy consumed; col. 2, lines 3-9 and 12-22; col. 6, lines 17-22) to be notified (col. 1, lines 10-16; col. 8, lines 3-9).

11. Collins does not specifically disclose determining notification method. Sandelman discloses determining notification method (i.e., email, fax, pager, voice; col. 7, lines 37-41; col. 9, lines 22-35). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Collins and Sandelman because Sandelman's notification method would improve the delivery message by allowing the system operator to transmit the information fast via a desired method of deliver.

12. As to claims 1 and 9, they are rejected for the same reasons set forth in claim 5 above. In addition, Collins discloses adaptive communication method for notifying information to a person to be notified of the information (i.e., report the energy consumption information to the consumer by sending a bill; col. 1, lines 10-16; col. 8, lines 3-9), which relates to a function of any of a plurality of equipment (i.e., water meters, gas meters, power monitors, HVAC equipment, col. 4, lines 6-12; col. 5, lines 13-18) forming a distributed system (col. 4, lines 2-21) of which each of the plurality of equipment is interconnected over a transmission medium (i.e., network, such as Internet, Ethernet; 12, fig. 1; col. 4, lines 22-30) and includes one or more arithmetic units (i.e., CPU; col. 4, lines 42-45), said adaptive communication method comprising the steps of:

a first step in which any of the plurality of equipment acquires environmental information, indicating an environment in which the plurality equipment is installed before the time when the information of the function is informed to the person (i.e., energy usage information for each of the plurality of equipment or alarm information when the energy consumption data is reaching an upper threshold value; col. 6, lines 17-22 and 59-65; col. 8, lines 14-20);

a second step in which any of the plurality of equipment determines a notification method notifying the information to be notified to the person according to the environment information acquired by the first step (i.e., report the energy consumption information to the consumer) and the contents of information (i.e., actual cost or amount of energy consumed; col. 2, lines 3-9 and 12-22; col. 6, lines 17-22) to be notified before

the time at when the information of the function is informed to the person (col. 1, lines 10-16; col. 8, lines 3-9).

13. As to claim 2, Collins discloses the environment information is at least one of time information concerning the function of equipment (i.e., water meters, gas meters, power monitors, HVAC equipment, col. 4, lines 6-12; col. 5, lines 13-18) connected over the transmission medium (i.e., network, such as Internet, Ethernet; 12, fig. 1; col. 4, lines 22-30), the contents or amount of information (i.e., actual cost or amount of energy consumed; col. 2, lines 3-9 and 12-22; col. 6, lines 17-22), information concerning an apparatus used to notify information (i.e., report the energy consumption information to the consumer by sending a bill; col. 1, lines 10-16; col. 8, lines 3-9), and ambient information concerning the plurality of equipment (i.e., energy usage information for each of the plurality of equipment or alarm information when the energy consumption data is reaching an upper threshold value; col. 6, lines 17-22 and 59-65; col. 8, lines 14-20).

14. As to claim 11, it is rejected for the same reasons set forth in claim 5 above. In addition, Collins discloses a memory in which programs are stored (col. 5, lines 23-26; col. 6, lines 24-35); and a processor to perform the programs (i.e., CPU; col. 4, lines 42-45; col. 6, lines 24-35 and 53-65).

15. As to claims 6, 10 and 12 are rejected for the same reasons set forth in claim 2

above.

16. Claims 3, 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collins et al. (US 6,553,418), Sandelman et al. (US 6,717,513), further in view of Horvitz (US 6,618,716).

17. As to claims 3, 7 and 13, Collins and Sandelman do not specifically disclose suspending the third step according to the environment information obtained by the second step. However, Horvitz discloses suspending the third step (i.e., delaying the notification information to a person) according to the environment information obtained by the second step (i.e., notification decision-making module; col. 3, lines 2-17; col. 9, lines 34-51). It would have been obvious to one of ordinary skill in the art the time the invention was made to combine the teachings of Collins, Sandelman and Horvitz because Horvitz's suspending the notification information to a person would allow the system to send the notification information to a user at the appropriate time.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Mahler et al, patent 6,396,534, Johnson et al, patent 6,553,336, Fowler et al, patent 6,714,977, Murakami et al, US 2003/0098789 disclose method and system for monitoring equipment to monitor the environmental conditions of a room or home.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is (703)305-9669. The examiner can normally be reached on 9:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (703)305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jungwon Chang
May 13, 2004



JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
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